



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
1322 PATTERSON AVENUE, SE, SUITE 1000
WASHINGTON NAVY YARD, DC 20374-5065

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Ser BD/ 048
JUL 26 2019

Ms. Denise Saki
555 South Street, Apt 413
Honolulu, HI 96813

Dear Ms. Saki,

Subj: YOUR FREEDOM OF INFORMATION ACT (FOIA); CASE NUMBER
DON-NAVY-2019-005125

We are writing to respond to your request for "the memorandum for the record that was submitted to close *NIGHTS case #201900329*." We received your appeal on July 2, 2019, and forwarded it to the Office of General Counsel (OGC) on July 11, 2019. After consultation with the OGC and the Navy Inspector General on the matter, the case was remanded to us for adjudication.

We have re-opened this FOIA case and will release the redacted memo, in part, under exemptions 5 and 6. Exemption 5 protects materials that are both predecisional and deliberative. The privilege covers records that "reflect the give-and-take of the consultative process" and may include "recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency." (5 U.S.C. § 552(b)(5)). Exemption 6 allows an agency to withhold "personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." (5 U.S.C. § 552(b)(6)).

If you consider this to be an adverse determination, you may appeal. Since you have created an account in FOIAonline, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public

Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-01, ogis@nara.gov; (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Further questions regarding the action this office has taken may be directed to Abby Machalec, abby.machalec@navy.mil. Please refer to your FOIA case number DON-NAVY-2019-005125 whenever corresponding about this request.

Sincerely,


for P. A. POLLOCK
Chief Management Officer

Copy to:
NAVFAC (IG, 00C)